

Bill was read second time, and passed to a third reading.

COMMITTEE REPORTS.

(By unanimous consent.)

ENROLLED BILLS.

Committee Room,
Austin, Texas, February 13, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 16, "An Act to authorize the International & Great Northern Railroad Company to purchase, own and operate, as a part or parts of its line, the railroad constructed, or to be constructed, of the Houston, Beaumont & New Orleans Railroad Company, and also the railroad constructed, or to be constructed, of the Houston, Oaklawn & Magnolia Park Railway Company, or either of them, as defined in their respective charters, together with all franchises and property incident or appertaining to said railroads, or either of them; and to authorize said Houston, Beaumont & New Orleans Railroad Company, and said Houston, Oaklawn & Magnolia Park Railway Company, each to sell its railroad, as defined in its charter, together with all franchises and property incident or appertaining thereto, to said International & Great Northern Railroad Company; and to authorize said International & Great Northern Railroad Company to issue and negotiate its bonds secured, or to be secured, by mortgage or mortgages, subject to the laws of the State of Texas governing the issuance and negotiation of bonds by railroad companies; and to authorize said International & Great Northern Railroad Company to construct, own and operate, as a part or parts of its line, the unfinished portion or portions of said railroads, or either of them, between the termini, as defined in their respective charters, and to construct, own and operate, as part or parts of its line, extensions and branches of said railroads, or either of them, under or as authorized in and by the charter of said International & Great Northern Railroad Company, or any amendment thereof made or to be made in pursuance of General Laws of the State of Texas; to regulate reports relative to the railroads, franchises and property authorized by this act to be purchased and sold, and the operation thereof; and to prescribe the conditions upon which said pur-

chases and sales shall take effect and be dependent; and to authorize said companies, and each of them, to execute all necessary contracts, agreements and conveyances to accomplish said purchases and sales."

And find the same correctly enrolled, and have this day, at 12 o'clock m., presented the same to the Governor for his approval.

HALE, Chairman.

JUDICIARY NO. 1.

Committee Room,
Austin, Texas, February 13, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Public Health, to whom was referred

Senate bill No. 193, A bill to be entitled "An Act to amend Article 3385, Title LXIX, of the Revised Civil Statutes of the State of Texas of 1895, so as to except from the operation of said article merchants doing wholesale drug business who sell alcoholic stimulants to retail merchants whose regular and principal business is selling drugs and medicines and compounded prescriptions, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

(Floor report.)

DOUGLASS, Chairman.

ADJOURNMENT.

On motion of Senator McKamy, the Senate, at 12:40 o'clock p. m., adjourned until Tuesday morning, February 17, at 10 o'clock.

TWENTY-SECOND DAY.

Senate Chamber,
Austin, Tex., Tuesday, Feb. 17, 1903.

Senate met pursuant to adjournment. President Pro Tem Davidson of DeWitt, in the chair.

Roll call. Quorum present, the following Senators answering to their names:

Brachfield.	Grinnan.
Cain.	Hale.
Davidson of	Hanger.
DeWitt.	Harbison.
Decker.	Harper.
Douglass.	Henderson.
Faubion.	Hicks.
Faust.	Hill.

Lipcomb.	Perkins.
Martin.	Savage.
Mills.	Sebastian.
Morris.	Stafford.
Patteson.	Willacy.
Paulus.	Wilson.

Absent.

Beaty.	Faulk.
Davidson of	McKamy.
Galveston.	

ROLL OF OFFICERS AND EMPLOYEES.

Present.

Clyde D. Smith.
 W. E. DeLamar.
 R. M. Gilmore.
 Amos Wynne.
 W. M. Cobb.
 Eldred McKinnon.
 Mrs. Laura V. Grinnan.
 F. P. Smith.
 Miss Lusy Lane.
 C. H. Allen.
 D. F. Hughes.
 Frank Mullins.
 C. J. Kirk.
 Rev. I. S. Davenport.
 Miss May Fant Odom.
 J. C. Son.
 Miss Georgia Sturgiss.
 Mrs. Hattie Yarbrough.
 Miss Hope H. Hawkins.
 Miss Emily Holcomb.
 Mrs. J. R. Van Orden.
 Miss Bessie Goldstein.
 W. T. Pace.
 W. A. Shaw, Jr.
 Lucien Goss.
 J. A. Chaffe.
 Charlie Lane.
 Willie Gibson.
 Henry Paulus.
 Everet Thornhill.
 Walter Savage.
 Jas. Sebastian.
 Willie Gray.
 Jamie Snipes.
 Ed Underhill.
 John Durst.
 Will Bartley.
 Reed Pierson.
 Dan Edwards.
 Josh Pyles.
 Ellis Monroe.
 Albert Hill.
 Mark Marsh.

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of last Friday,

On motion of Senator Douglass, the same was dispensed with.

EXECUTIVE MESSAGE.

EXECUTIVE OFFICE,
 STATE OF TEXAS.

Austin, February 17, 1903.

To the Senate.

I respectfully request the advice and consent of the Senate to the following appointments:

J. H. Calhoun, of Shackelford county, to be judge of the Forty-second Judicial District of the State of Texas.

Norman G. Kittrell, of Harris county, to be judge of the Sixty-first Judicial District of the State of Texas.

J. H. Arnold, of Coryell county, to be district attorney of the Fifty-second Judicial District of the State of Texas.

S. W. T. LANHAM,
 Governor.

Senator Hanger moved that the Senate go into executive session today at 11 o'clock to consider the above appointments.

The motion prevailed unanimously.

EXCUSED.

On motion of Senator Mills Senator Faulk was excused from attendance upon the Senate indefinitely on account of important business.

EMPLOYEES EXCUSED.

On motion of Senator Patteson, Ed Underhill, page, was excused for non-attendance upon the Senate on yesterday.

On motion of Senator Decker, Mrs. Hawkins was excused for non-attendance upon the Senate on yesterday.

PETITIONS AND MEMORIALS.

Senator Faubion offered a petition of Commercial Travelers of America asking that all hotels in the State of Texas be required to provide efficient fire escapes to insure the safety of all guests.

Read and referred to Committee on State Affairs.

Senator Faubion offered a memorial asking for an appropriation for a survey of the Colorado river with the view of canal navigation of same.

Read and referred to Committee on State Affairs.

Senator Hill offered a memorial requesting better salaries for stenographers and porters of the Courts of Civil Appeals.

Read and referred to Committee on Finance.

By Senator Martin:

To the Hon. Twenty-eighth Legislature of the State of Texas.

We, the members of the Winnie Davis Chapter, No. 325, U. D. C., of Coryell

county, Texas, beg leave to place before you our appeal for such legislation as is now necessary for the relief and support of our honored and loved old Confederate soldiers.

We heartily endorse the purposes for which the pension law for the old Confederate soldiers was enacted, and learning that an effort will be made to amend same at the present term of the Legislature, we ask you to consider our plea for our noble boys who wore the gray.

We believe that the the appropriations under the present existing pension law are wholly inadequate and insufficient for the noble purpose for which it was intended, and we beg that such appropriation be increased to a sum sufficient to attain the results sought by such appropriation.

We believe that the present law as it exists is too restrictive as to proof, requiring two comrades who served with a veteran to make sufficient proof of his eligibility to relief from such fund.

Realizing that at this late day many worthy ones will be cut off from such and the impossibility to locate such as are living in many cases, we believe it expedient to enact a law providing for commissioners to act in each camp or county in the State. They will examine into all claims, under proper rules, and recommend such as may show themselves, by satisfactory evidence, worthy of relief as pensioners.

We further believe that the law as it now exists is too restrictive in that it confines the relief fund to be appropriated to those only who have resided in this State prior to 1880.

We believe that the wealth of our great State of Texas will justify the giving of relief to all worthy old Confederate soldiers who are now bona fide residents of this State.

We pray you come to the relief of our old heroes now, for we will not have them with us long. They will all soon go "over the river and rest under the shade of the trees."

MRS. C. P. WHITE, President,
MISS CLARA BROWN, Secretary.
February 13, 1903.

COMMITTEE REPORTS.

The following committee reports were offered:

ENGROSSED BILLS.

Committee Room,
Austin, Texas, February 17, 1903.
Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Engrossed

Bills have carefully examined and compared

Senate bill No. 114, A bill to be entitled "An Act requiring all railway corporations operating a line of railway in the State of Texas to place switch lights on all their main line switches and to keep the same lighted from sunset to sunrise, and requiring all railway corporations operating a line of railway in the State of Texas to place derailing switches on all sidings connecting with the main line and upon which sidings cars are left standing, and providing penalties and remedies for the violation of the provisions of this act, and declaring an emergency,"

And find the same correctly engrossed.
PATTESON, Chairman.

Committee Room,
Austin, Texas, February 17, 1903.
Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 172, A bill to be entitled "An Act changing and fixing the times of holding the courts in the Third Judicial District of Texas, and providing for a longer time in Henderson county,"

And find the same correctly engrossed.
PATTESON, Chairman.

Committee Room,
Austin, Texas, February 17, 1903.
Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 16, A bill to be entitled "An Act to provide for the extension and enlargement of the present iron smelting furnace in the State penitentiary at Rusk, Texas, or to construct or erect a new furnace at said place; authorizing and directing the Penitentiary Board to purchase or otherwise acquire timber or timbered land and iron ore or lands containing deposits of iron ore sufficient to supply the charcoal and iron ore necessary to run and operate the iron smelting furnace or furnaces and pipe works situated in said penitentiary to their full capacity, as herein provided, and on full time, for not less than ten years from the date of this act; providing for conducting experiments and tests at the State iron smelting furnace in said penitentiary in the use of lignite or brown coal and fuel oil as fuel in the smelting of iron, prescribing by whom said tests shall be made, and if such tests prove successful, directing the Penitentiary

Board to contract for and provide such quantity of lignite or oil, or either of same, for the use of such smelting and iron manufacturing as may be necessary for their use and consumption thereafter; providing for the appointment of a general manager of the iron industry of the Texas penitentiary and prescribing his qualifications, powers, duties and compensation, and prescribing certain duties of the Superintendent and Financial Agent of Penitentiaries in relation to said iron industry and its general manager; and making an appropriation therefor."

And find the same correctly engrossed.
PATTESON, Chairman.

BILLS AND RESOLUTIONS.

Senator Harbison offered the following resolution:

Resolved, That the Sergeant-at-Arms be and is hereby instructed to furnish each member of the Senate his proportional share of the Senate Journals of last Friday.

The resolution was read and,

On motion of Senator Hanger, laid on table subject to call.

By Senator Harbison (by request.)

Senate bill No. 195, A bill to be entitled "An Act requiring suit to be brought to cancel certain patents issued to Houston & Texas Central Railway Company to lands in Foard and Hardeman counties, and to recover said lands in behalf of the State."

Read first time, and referred to Committee on Public Lands and Land Office.

By Senator Harbison:

Senate bill No. 196, A bill to be entitled "An Act to better define the qualification of voters; to prescribe the duties of officers of election, and to make it a penal offense to use or attempt to use for the purpose of enabling one to vote a poll tax receipt issued for another, and to fix a penalty therefor."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Wilson:

Senate bill No. 197, A bill to be entitled "An Act to authorize the St. Louis Southwestern Railway Company of Texas to purchase, own and operate, as a part of its line, the railroad of the Texas & Louisiana Railroad Company, together with all the franchises and property incident or appertaining thereto; and to authorize the Texas & Louisiana Railroad Company to sell its said railroad, together with the franchises and property incident or appertaining thereto to the said St. Louis Southwestern Railway Company of Texas; and to authorize said St. Louis Southwestern Railway Com-

pany of Texas to issue and negotiate its bond or bonds, secured or to be secured by mortgage or mortgages, subject to the provisions of this act and of the laws of the State of Texas governing the issuance and negotiation of bonds by railroad companies; and to authorize said St. Louis Southwestern Railway Company of Texas to construct, own and operate, as part of its line, the unfinished portion of the railroad of said Texas & Louisiana Railroad Company, between the termini of the latter company, as defined in its charter and amendments thereto, and to construct, own and operate, as a part of its line, extensions and branches thereof under or as may be authorized by the charter of said St. Louis Southwestern Railway Company of Texas, or any amendments thereof, made or to be made in pursuance of the General Laws of the State of Texas; to regulate reports of the property to be purchased from said Texas & Louisiana Railroad Company, and the operation thereof, and to prescribe the conditions upon which said purchase and sale shall take effect and be dependent, and to authorize said companies to execute all necessary contracts, agreements and conveyances to accomplish said purchase and sale."

Read first time, and referred to Committee on Internal Improvements.

By Senator Hill:

Senate bill No. 198, A bill to be entitled "An Act to amend Article 1012, Title XXVII, Chapter 14, Revised Statutes of 1895, as amended by act approved April 17, 1899, of the Twenty-sixth Legislature, Regular Session, relating to the employment of stenographers by the Courts of Civil Appeals."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Sebastian:

Senate bill No. 199, A bill to be entitled "An Act to amend Article 800 of the Code of Criminal Procedure, relating to the taking of depositions in criminal cases out of the State."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Hanger:

Senate bill No. 200, A bill to be entitled "An Act to provide upon the proper application for the annual inspection by the Adjutant General of the State of Texas, or by some officers or officers detailed by him for that purpose, of the military department of educational institutions incorporated under the laws of the State of Texas."

Read first time, and referred to Committee on Military Affairs.

By Senator Hill:

Senate bill No. 201, A bill to be entitled

"An Act to quiet titles to lands located and surveyed by virtue of valid alternate land certificates, originally granted by the State of Texas to railway companies and to other corporations engaged in the work of internal improvements."

Read first time, and referred to Committee on Public Lands and Land Office.

By Senator Hicks:

Senate bill No. 202, A bill to be entitled "An Act to fix the fees of clerks of the county courts for filing and registering chattel mortgages, and entering satisfaction thereof, and to repeal all laws and parts of laws in conflict herewith."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Hill:

Senate bill No. 203, A bill to be entitled "An Act to provide for a mineral survey of the lands belonging to the public schools, university, asylums, or of the State, and other mineral lands within the State, and to make appropriation therefor; and to provide a penalty for unlawfully disclosing information obtained by each survey, and also declaring an emergency."

Read first time, and referred to Committee on Mining and Irrigation.

By Senator Lipscomb:

House bill No. 204, A bill to be entitled "An Act to amend Subdivision 21, of Article 642, of the Revised Civil Statutes of the State of Texas, adopted in 1895, so as to provide that corporations organized for the purpose of constructing or acquiring, with power to maintain and operate, street railways and suburban or belt lines of railway within and near cities and towns which use electric power shall be authorized to supply and sell electric light and power to the public and to municipalities."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Savage:

Resolved, That the Sergeant-at-Arms is hereby authorized to purchase for the use of the members thirty-one copies of the annotated Constitution of Texas, at \$2.00 each, the amount of the same to be paid out of the contingent expense fund of the Senate.

Read, and referred to Committee on Contingent Expenses.

BILLS RECOMMITTED.

Senator Grinnan moved to have House bill No. 36 recommitteed and referred to Judiciary Committee No. 1.

The motion prevailed, and the bill was recommitteed.

Senator Douglass moved to recommit Senate bill No. 130 to Judiciary Committee No. 1.

The motion prevailed, and the bill was so recommitteed.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, February 18, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has passed the following:

House Concurrent Resolution No. 8, Providing for a joint committee to negotiate a purchase by the State of McArdle's battle painting, "The Battle of San Jacinto."

Whereas, The battle of San Jacinto, which occurred on the 21st of April, 1836, liberating Texas from the yoke of Mexican tyranny, is the most illustrious event in the history of Texas; and

Whereas, The noted artist, H. A. McArdle, whose great historical painting, "Lee at the Wilderness," was destroyed in the burning of the old capitol building in 1881, which was a total loss to the author, as well as an irreparable loss to the public, has spent nearly a score of years in gathering material and data in order to perpetuate on canvas the great victory at San Jacinto, and has devoted seven years to the execution of the work, and has completed said painting, which now, by permission of the Senate of the Twenty-seventh Legislature, hangs in the Senate chamber in the capitol building in the city of Austin; and

Whereas, A wise public policy demands that the State of Texas should possess and keep in an appropriate place in the capitol building at Austin, a painting so valuable, not merely as a work of art, but as a treasury of Texas history not obtainable from books, and so well calculated to nurture and keep alive all the higher emotions of patriotism; and

Whereas, This great painting may pass into the hands of other parties, thereby putting it beyond the power of the State to possess it, which would be a great loss to this grand commonwealth; and

Whereas, The author is preparing and has been for a long time gathering material and data to engage in the production of another great painting as a companion piece to this one, viz., "The Fall of the Alamo," and the sale of the "San Jacinto Battle Painting" would contribute materially to a successful completion of the former; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That a joint committee of ten be created, consisting

of five members of the House and five members of the Senate, said committee to be appointed by the respective presiding officers of each house, whose duty it shall be to confer with the owner of said painting as to its purchase by the State, and to report the result of such investigation to the House and Senate, and to make such recommendations as said committee may see fit, with a view to incorporating in the general appropriation bill to be passed by this Legislature, an appropriation to purchase said painting, provided an understanding as to its purchase can be reached.

House bill No. 154, A bill to be entitled "An Act to amend Sections 5 and 13 of an act passed by the Twenty-seventh Legislature, creating a special road system for the county of Coryell, and to repeal Section 8 of said act."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

Morning call concluded.

SPECIAL ORDER—SENATE BILL NO. 67 SUSPENDED.

On motion of Senator Wilson, special order,

Senate bill No. 67, A bill to be entitled "An Act to amend Article 4340, of Title XCII, of the Revised Civil Statutes of Texas, relating to declaring quarantine in counties and cities and maintaining and paying the expenses of same,"

Was suspended, and the Senate took up, out of its order, on its third reading, House bill No. 102.

The Chair laid before the Senate, on its third reading,

House bill No. 102, A bill to be entitled "An Act to aid Brazoria county, Texas, by supplementing the road and bridge fund by donating and granting to it the State ad valorem and three-fourths of the occupation taxes collected upon property and from persons in said county for a period of two years, and providing for a proper transfer to said fund."

Senator Paulus offered an amendment, and

Senator Wilson made a point of order that the amendment was not germane to, inasmuch as notice had not been given.

The Chair sustained the point of order.

The bill was read third time, and passed by the following vote:

Yeas—19.

Davidson of	Hale.
DeWitt.	Hanger.
Decker.	Harbison.
Douglass.	Harper.
Faubion.	Hicks.
Faust.	Hill.

Mills.	Sebastian.
Patteson.	Stafford.
Perkins.	Willacy.
Savage.	Wilson.

Nays—6.

Brachfield.	Martin.
Cain.	Morris.
Grinnan.	Paulus.

Present—Not voting.

Henderson.

Absent.

Beaty.	Lipscomb.
Davidson of	McKamy.
Galveston.	

Absent—Excused.

Faulk.

REASON FOR NOT VOTING.

"In declining to vote I do so from a sense that all over the State there exists destitution and want which should meet with the same consideration at the hands of the Legislature, but as this can't be, I will neither favor or oppose."

HENDERSON.

Senator Wilson moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

SPECIAL ORDER—SENATE BILL NO. 67 SUSPENDED.

Senator Decker moved that special order, Senate bill No. 67, be suspended and the Senate take up out of its order Senate bill No. 180.

The motion prevailed by the following vote:

Yeas—21.

Davidson of	Hill.
DeWitt.	Martin.
Decker.	Mills.
Douglass.	Morris.
Faubion.	Patteson.
Faust.	Paulus.
Grinnan.	Savage.
Harbison.	Sebastian.
Harper.	Stafford.
Henderson.	Willacy.
Hicks.	Wilson.

Nays—4.

Brachfield.	Hale.
Cain.	Perkins.

Present—Not voting.

Hanger.

Absent.

Beaty.	Lipscomb.
Davidson of	McKamy.
Galveston.	

Absent—Excused.

Faulk.

The Chair laid before the Senate, on second reading,

Senate bill No. 180, A bill to be entitled "An Act to authorize the St. Louis, San Francisco & Texas Railway Company to purchase, own and operate as a part of its line, the railroad of the Red River, Texas & Southern Railway Company, together with all its franchises, property, rights and privileges; the railroad of the Fort Worth & Rio Grande Railway Company, together with all its franchises, property, rights and privileges; the railroad of the Paris & Great Northern Railroad Company, together with all its franchises, property, rights and privileges; the railroad of the Blackwell, Enid & Texas Railway Company, together with all its franchises, property, rights and privileges; and the railroad of the Oklahoma City & Texas Railroad Company, together with all its franchises, property, rights and privileges; or either or any such railroads, with all of its or their franchises, property, rights and privileges of every kind and character; and to authorize said companies and each or any of them, to sell and convey all of its or their said railroads, constructed or to be constructed, and all other properties, rights, franchises and privileges, and to authorize said St. Louis, San Francisco & Texas Railway Company to issue and negotiate its bonds, secured or to be secured by mortgage or mortgages, to the amount of the value of the railways, franchises, property, rights and privileges so purchased, and to the amount of the value of any railroad hereafter constructed by it under the provisions of this act, as fixed, or as the same may be fixed by the Railroad Commission of Texas, and to regulate the reports of said property, and the operation thereof; and to authorize said St. Louis, San Francisco & Texas Railway Company to construct, own and operate as a part or parts of its line, the unfinished portion or portions of said railroads, or either or any of them, between the termini, as defined in their respective charters; and to construct, own and operate as a part or parts of its line, all extensions and branches of said railroads, or either or any of them, under or as authorized in and by the charter of said St. Louis, San Francisco & Texas Railway Company, or any amendment thereof, made or to be made in pursuance of the General Laws of the State of Texas; and to prescribe the conditions upon which said purchase and sale shall take effect and be dependent; and to authorize said companies, and each of them, to execute all neces-

sary contracts, agreements and conveyances to accomplish said purchases and sales."

EXECUTIVE SESSION.

The Chair announced that the time, 11 o'clock a. m., had arrived for the Senate to go into executive session for the purpose of confirming the appointments sent in by the Governor on today, and accordingly the chamber was cleared.

AFTER EXECUTIVE SESSION.

In executive session the following confirmations were had:

J. H. Calhoun of Shackelford county, to be judge of the Forty-second Judicial District of the State of Texas.

Norman G. Kittrell of Harris county, to be judge of the Sixty-first Judicial District of the State of Texas.

J. H. Arnold of Coryell county, to be district attorney of the Fifty-second Judicial District of the State of Texas.

SENATE BILL NO. 180.

Action recurring on Senate bill No. 180,

Senator Perkins offered the following motion:

I move that further consideration of this bill be postponed until it has been submitted to the Railroad Commission for its opinion as to whether or not the proposed consolidation is violative of the constitutional provision prohibiting the consolidation of parallel or competing lines of railroad.

Senator Henderson made a point of order that the motion was out of order.

The Chair sustained the point of order.

Senator Perkins moved that further consideration of bill be postponed until tomorrow after morning call.

The motion prevailed by the following vote:

Yeas—17.

Brachfield.	Henderson.
Cain.	Hicks.
Davidson of	Lipscomb.
DeWitt.	Martin.
Decker.	McKamy.
Douglass.	Mills.
Faubion.	Morris.
Hale.	Patteson.
Harper.	Perkins.

Nays—10.

Faust.	Paulus.
Grinnan.	Savage.
Hanger.	Stafford.
Harbison.	Willacy.
Hill.	Wilson.

Present—Not voting.

Sebastian.

Absent.

Beaty.

Davidson of
Galveston.

Absent—Excused.

Faulk.

SENATE CONCURRENT RESOLUTION NO. 8.

By Senator Sebastian:

Senate Concurrent Resolution No. 8:

Be it resolved by the Senate, the House of Representatives concurring, that James L. Shepherd, judge of the Thirty-second Judicial District of Texas, be and he is hereby granted leave to absent himself from the State from January 10, to March 10, 1903, also for the summer months of June, July and August, 1903.

Read and referred to Committee on Judicial Districts.

HOUSE BILL NO. 118 SIGNED.

The Chair (President Pro Tem Davidson of DeWitt) gave notice of signing, and did sign in the presence of the Senate after its caption had been read,

House bill No. 118, "An Act to create a special road law for Lamar county; and providing for levying and collecting a road tax; authorizing the commissioners court of said county to employ road superintendents and laborers on the public roads thereof; also to work convicts in opening, laying out and repairing said roads; giving the commissioners court the power to establish, change, improve or discontinue public roads; and to purchase and use all necessary teams and implements for that purpose; and giving to said court the power to condemn land for establishing, widening, draining and otherwise improving the public roads, and to cause obstructions to be removed therefrom; making each commissioner of said county a road supervisor in his precinct, and providing his duties; fixing the compensation for county commissioners for road service, and providing for the general supervision by the commissioners court of all public roads in said county."

SPECIAL ORDER—SENATE BILL NO. 67.

The Chair laid before the Senate, on second reading,

Senate bill No. 67, A bill to be entitled "An Act to amend Article 4340 of Title XCII of the Revised Civil Statutes of Texas, relating to declaring quarantine

in counties and cities, and maintaining and paying the expenses of same."

Senator Hale offered the following amendment:

"Amend by adding after the second word 'State,' in line 31, on page 2 of the bill the words 'out of any public funds not otherwise appropriated.'"

The amendment was adopted.

Senator Harbison offered the following amendment:

"Amend the bill by adding in line 5, page 3, the following words 'after State and county in equal parts.'"

Senator Savage offered the following substitute to the amendment:

"Strike out 'all' after the word 'officer,' line 31, page 2, and insert 'two-thirds of all expenses shall be paid by the State and one-third by the county in which quarantine is declared,' and amend page 3, line 5 accordingly."

The substitute to the amendment was adopted, and

The amendment as substituted was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Hale the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Brachfield.	Hill.
Cain.	Lipscomb.
Davidson of	Martin.
DeWitt.	McKamy.
Decker.	Mills.
Douglass.	Morris.
Faubion.	Patteson.
Faust.	Paulus.
Grinnan.	Perkins.
Hale.	Savage.
Hanger.	Sebastian.
Harbison.	Stafford.
Harper.	Willacy.
Henderson.	Wilson.
Hicks.	

Absent.

Beaty. Davidson of
Galveston.

Absent—Excused.

Faulk.

Bill was read third time, and passed by the following vote:

Yeas—28.

Brachfield.	Faubion.
Cain.	Faust.
Davidson of	Grinnan.
DeWitt.	Hale.
Decker.	Hanger.
Douglass.	Harbison.

Harper.	Patteson.
Henderson.	Paulus.
Hicks.	Perkins.
Hill.	Savage.
Lipscomb.	Sebastian.
Martin.	Stafford.
McKamy.	Willacy.
Mills.	Wilson.
Morris.	Absent.
Beaty.	Davidson of Galveston.
Faulk.	Absent—Excused.

Senator Hale moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

PERSONAL PRIVILEGE.

Senator Grinnan rose to a point of personal privilege and said:

MR. PRESIDENT: I rise to a question of personal privilege.

PRESIDENT: The gentleman from Brown has the floor.

Gentlemen of the Senate:

During a discussion of the resolution which was precipitated upon this body on Friday a week ago, I have been informed that it was charged upon this floor that I had absented myself for the purpose of avoiding that conflict. I desire to state that I had received a telephone message calling me home on an important matter, and when I left this Senate hall I had no knowledge or intimation that such a resolution would be introduced.

When I first saw the papers and saw this grand proceeding, which had taken place in my absence, it was my regret that I was not here. On Sunday evening, when I read the *Dallas News*, I found this:

"It is the intention of some of the four-year Senators to move that the Senate again go into the Committee of the Whole as soon as Senators Perkins and Grinnan return, in order to give them an opportunity to make to the Senate any statement that they may desire concerning the drawing for senatorial terms, and to give the Senate any information they may possess, or the names of persons they may think able to give any evidence upon the subject."

That purported to come from Austin. I immediately made arrangements and employed counsel to attend to the matters which I had gone to attend to in person. I returned to this Senate chamber on Tuesday morning; the first session after this committee had adjourned

its work; Senator Perkins was not here; I waited until Senator Perkins's return to see if there would by any effort to carry out that statement which I found in these papers.

When the report was offered for adoption I then made my objections to that report, so that the people of this State might know that I opposed the report and did not believe it. I desire to state that I have no personal resentment for any charges or statements that any of these Senators may have made against me during my absence. I am satisfied they have been made in passion. I have no unkind feeling towards any Senator in this hall. I am your friend, and I know many of them to be the soul of honor, and I would defend their honor as quick as they would themselves, but I am going to speak of this resolution which was introduced during my absence. I am going to criticise the manner in which it was brought into this house, and I am also going to give you some reasons why I favored an investigation. This resolution, which, I believe, was introduced by the Senator from Bexar, does not have the effect to discover fraud. The Senator from Bexar acknowledged in his speech that it was not introduced for the purpose of discovering fraud, and insisted on its immediate adoption and an immediate investigation. He took the position that he was representing the defense in this case, and was not seeking to discover a fraud. If the reports in the papers are true, when it was offered that this matter be postponed in the Senate or delayed, the language attributed to him as I find in the papers is this:

"It would be strange, indeed, if they would wait for the other side to introduce their resolution at some opportune time."

The resolution that we had not offered, but that we had prepared, was prepared and endorsed by the Lieutenant Governor. He said he did not believe it would give offense to any one, and it was decided to hand a copy of it to every member of this Senate, in order to give them an opportunity to join in the resolution. And I take it that the men who endorsed it and recommended and suggested the statements ought to be able to say whether the resolution reflects on any Senator in this hall.

I say that the resolution which was introduced by the Senator from Bexar had the effect to keep out and prevent the discovery of fraud.

When I was a boy and used to roam out upon the meadow and saw the cattle as they browsed upon the grass, and all of a sudden you would see one old cow

begin to paw, and shoot, and run and pitch and buck and snort and twist her tail and wheel and stop suddenly and look you in the face and bellow. The negroes on the place told me she had wolves in her tail, and if she did not do that she would die. I know when the resolution was introduced from the expressions and speeches of the Senators that they snorted, and foamed at the mouth, and turned black in the face like a mouse, and I know this was not because they could not adopt the resolution that they introduced, for every one knew here they had a majority and that it was not necessary to make all that fuss. It was made for the purpose to intimidate, and it did intimidate witnesses, shut the mouths of these clerks, shut the mouths of witnesses who upon a fair investigation would have come before this body and given their testimony fairly and squarely. It was like hunting rats with a brass band. You go out to hunt rats with a brass band and you can't discover any rats. The Senators were intimidated, the officers were intimidated, witnesses were frightened to death, and I say that if such a proceeding had not been had we would have had a different result from some of the witnesses that testified.

Take for instance Mr. Cobb, who went upon the witness stand. He had stated to one of the Senators, even after this resolution which we had prepared had been layed upon the desk, ten days or more after this matter had been narrated around. He had stated to one of the Senators upon this floor the declaration which had been made to him by the Secretary of this Senate, and that declaration I believe was, that he turned around to Mr. Cobb and said: "How do you think I have fixed them." They put Mr. Cobb on the stand and he stated that it was said in a jocular way, but when he was called to "taw" as to whether he told him ten days after the statement was made, he stated that that is a fact. In an unguarded moment, when that young man knew that his position would depend upon the majority of the Senate, he said that statement was made in a jocular way, but when the time came he arose like a statue to the state of man and said that such a statement was true.

Suppose it was made in a jocular way, it made an impression on that mind that caused him to repeat it ten days later, and if he did that, there was something in that statement except fun or he would not have had it impressed upon his mind.

I feel it my duty to myself, to you, and to the people I represent to let them know why I favor the investigation of this matter. I favored it, not because I

wanted it investigated to discover fraud, but I signed that resolution after I had convinced myself that there had been a fraud perpetrated by the officers who did that drawing. I was sitting at my desk when the Secretary placed that hat in view; he did not mix those tickets; the members were retiring behind the bar, when he raised his hat gradually that way (straight up and down). He did not shake these tickets in a manner that they could have been mixed. The members retired to the back of the Senate, and he did not mix the tickets at all. I do not believe that there is a Senator upon this floor, or a bystander that witnessed that proceeding, and I do not believe there is an officer in this Senate, that will swear he saw that man mix the tickets that contained the numbers when he placed the hat upon the desk. I say that if they had evidence of that kind, this manner of examination was conducted by one of the shrewdest lawyers in the State of Texas. The Senator from Bexar county, you might say, assumed the role of a show master. He went down there to the witness stand and undertook to examine these people, and if he had any evidence of that kind he would have put them on the witness stand, but not only that if necessary had it not come to his mind it was his duty to go up on the witness stand himself, but we have not heard a word. And not only that, gentlemen of the Senate, there is Mr. Allen. This resolution provides that Mr. Allen and Mr. Smith prepare these tickets at the Secretary's desk. There is a desk not over four or five feet wide, and were they to so prepare them they would be at elbow's touch. But Mr. Allen refuses and fails to testify that he saw Mr. Smith mix these tickets in his hat. Not only that, but we take the Lieutenant Governor of our State. When Mr. Smith says he was in view, you can see him sitting in that chair, for I went down there this morning and tried it, but the fact is Mr. Smith undertook to form or leave the impression that the Lieutenant Governor could see him. The Lieutenant Governor went upon the witness stand and stated that he could not see what he was doing. Not only that; we go further in this matter. After the resolution and the counting was over, Mr. Allen in less than ten minutes after that count was over went over there to the reporters' table and put this in the paper:

"Mr. Allen and Mr. Smith conducted this drawing; that it was honest and fair and a wise selection."

Yes, it was a wise selection, and not a drawing. And not only that, to back that up with the statement of Mr. Smith

to Mr. Cobb, we say with that remorse of conscience or if he treats it lightly it should be a lesson to him that such important matters to the State and people should not be considered lightly. He wanted to know how do you like the way I have fixed them. If there is a Senator in the hearing of my voice now I call upon you to rise and state whether you saw him mix the tickets in that hat.

HALE: "I accept the challenge; I saw him mix the papers."

HARRISON: "Mr. Hale, did he mix them this way or like this (this way indicates up and down, like this indicates from right to left)."

Yes, he shook them this way; that is what I said (up and down) and I tell you these tickets were not mixed. In my judgment the tickets upon which four years were written were upon one side of that hat and on those upon which were two was on the other. I can produce Senators upon this floor who will state that Mr. Smith was looking at the hat. And I can produce them that will state they did not see him shake the hat.

HALE: "Will the Senator from Brown name a Senator who will testify to that fact?"

I will name Senator Savage.

HALE: "I leave him to answer."

Now take the statement of Mr. Allen that he made to reporters. Greater crimes have been discovered by less statements than that. In the celebrated case of the State vs. Webster, where he was charged with the murder of Dr. Parkman. About twenty years after that crime had been committed, when they were cleaning out an old gutter near where Webster had roomed they found some bone and one of the men remarked that they were Dr. Parkman's bones, and Webster took them up and said, they are no more Dr. Parkman's bones than they are my bones. And on that statement the crime was discovered and he was elevated to the gallows and sent into eternity; and upon the statement which he (Mr. Allen) makes he is to be elevated in the Senate and helped into higher office. I say it will not be by my vote; he may be your Sergeant-at-Arms, but he will not be mine.

I also wanted to inquire into the caucuses that have been held over this State. There was a caucus held at Dallas during the Dallas Fair. That caucus was called by the old Senators who had been in this body before, and for the purpose of selecting officers. I was not in that caucus, but I know that seven men out of the old Senators in that body have drawn long terms. One of the Senators who was left out was the Senator who introduced into his Senate the Hogg amendment, the

other is Senator Savage, who is a strong supporter of those amendments, and myself. I was not in that, but I wanted the privilege of inquiring into that caucus and see if these two men were not going to be supported by that caucus. Another thing, there are twelve men in this Senate that are not lawyers, and out of those twelve men who are not lawyers, there has been only three of these men selected to draw long terms. One of those men is a claim agent for the railroad, or has been up to the time of coming into this Senate; the other is a man who opposed in the House the Hogg amendments after it was a platform demand; and the other man, it has been rumored upon this floor, was an accident. I know that accidents will happen in the best of regulated families, but I think we ought to know what caused this accident. Another thing in this body: Thirteen lawyers have drawn long terms, and all of these other men have been turned down. Another thing, every Senator from a city in this State have drawn a long term, except one, and that man is a farmer whose reputation is known all over this broad State; but these other men are lawyers.

PAULUS "Did not Senator Lipscomb draw a short term, and is he not from a city?"

He does not live in a city. But if that man had been from a city he would have drawn a long term, but there are some aspiring gentlemen who hope to succeed that gentleman.

You take Senator Mills, a good, honest farmer, whose reputation is known over this broad State, and I will tell you, gentlemen, that if he had been a politician and had watched out for his interest, or if he had been in favor of certain measures, I truly believe that he would have drawn a long term. Not only that, gentlemen, every railroad attorney in this body, and there are several, has drawn a long term; there is also one claim agent, or was a claim agent before he came into this body, and he also drew a long term; and I have been informed that there is one man who is a relative of one of the officers who did the drawing, and he drew a long term. These are accidents that cannot happen. I say, gentlemen, you prove fraud, not by what a man says. You can take the worst and meanest man with the most depraved character in the world, but he will never come up and admit his crime. You must prove it by circumstances; you can not prove it any other way. This chain of circumstances could not happen by accident, and I believe the world will believe that they were selected as stated by Mr. Allen, and not drawn.

I am not often suspicious; I did not grow suspicious of this matter until these reports came to me and these circumstances and chain of facts came to me one after another, and I felt that they were sufficient, not only to "oust" a man out of this Senate, but they were sufficient to hang any man on the face of the globe. In that good book, which I learned to revere at my mother's knee, I was taught that the Great God of the universe presided and ruled over the destiny of nations; but I was not convinced and the divine unction was not plain enough to convince me that when He entered this Senate chamber that He laid his hand of favor upon every railroad attorney in this body and one claim agent, and turned His back upon these old, grey-haired men, six or seven in this body, and not one did He favor.

Again, the caucus which was held just before—the night before—the Senate organized, four-fifths of the members of that caucus drew long terms. Such accidents can't happen.

I will tell you, gentlemen of the Senate, you can not afford to endorse a thing like this. I am talking to men, and I don't believe that you will endorse a crime like this, otherwise I would not arise here to address you. I say, gentlemen, you can not afford it. You may undertake to dam up a river, the dam may for a moment sustain the water, but the gathering waters above will break upon you and destroy you as sure as you undertake it. You can't back up this evidence which the State of Texas knows. You may stand in the breach and defend these men against the crime they have committed for a while. I say, gentlemen, that every Senator in this house should, as I have stated, "oust" these men out of the office which they hold. I do not ask you to rescind the action and give me your four years term. If that is all you want, you can keep them; but I say, gentlemen, let us "oust" these officers out of the Senate, whom not only you, but every citizen in Texas well know have committed this crime. Isn't there some Hercules among the four-year Senators that will turn the river into this Augian Senate and wash out the filth that we now find in it?

DAVIDSON of DeWitt: "As chairman of that committee of the whole, after you and Judge Perikns had returned, did I not come to you and ask you whether or not you wanted to introduce any testimony on the resolution, in the presence of Senator Stafford and Senator Hanger? And did you not tell me that you would not ask us to open it up again?"

I will state to the chairman what I did

say. I was sitting at my desk and you (Davidson of DeWitt) called me over in the presence of Senators Stafford and Hanger and told me that you had the report of investigation ready to introduce; that you or some of you had received a letter from Senator Perkins that he would not take up the matter any further, but if I desired to make a statement or offer any evidence that you would open the matter up and give me a chance. I stated to you, you have made me a member of a committee and you have not given me an opportunity to serve. I have evidence to introduce, and it is in your power to open this matter up. You then said you would open this matter up immediately after the morning call and give me a chance. I then went back to my seat. You came to me after I had taken my seat and, after you and Senator Stafford and Senator Hanger had counseled together, you told me you did not believe you had authority to open this matter up. I says, "Well, I am going to rise to a question of personal privilege." You advised me to write my reasons in the Journal, that my personal privilege could not be printed in the Journal. I stated we will see about that. That is in substance the conversation that happened between you and I, Senators Stafford and Hanger.

I say that the State of Texas has power. If they had the power to introduce this original resolution, they have the power to open it up. This Legislature has the power to do anything which is not contrary to the Constitution of the State, and I say that that is not unconstitutional—the power to open this matter up. I ask you, gentlemen, as men, not to stand and protect these men. I am asking no harm of you. I ask you, one and all, not to stand and protect these men whom I believe have committed a crime, and I ask and hope that some of you will offer a resolution to fire these men out of the Senate.

After some discussion Senator Grinnan again arose to a question of personal privilege:

Mr. President:

As the gentleman from Bexar has challenged me to summons witnesses to prove facts which I have alleged. I want to state that I can prove these facts by the various Senators and attendants upon this Senate, but I have not tried to go out of the Senate chamber and tried to prove facts by people who are not members or attendants upon this Senate.

I believe, Mr. President, this was a matter and an attempt somewhere to shape legislation of the State for the next four years.

I was not willing to stand in silence

and see my constitutional rights invaded or look in silence upon a crime which I believe the people of this great State know, and I felt that I should speak out. It is a crime which, like the fire bell at night, should arouse the people of this great State with terror and alarm to the condition which confronts them and allow them to protect themselves.

Now the gentleman says the matter is closed. But as you know a lawyer knows that a man can take an appeal, and I, if it is not settled now, will take an appeal to the citizens of this great State, the people of Texas, the greatest power that exists under an American form of government.

Senator Hicks in reply, said:

Mr. President.

My candid judgment of the speech of the Senator from Brown is very much like that passed upon the first sermon of a young minister by his faithful slave and body servant. The young men had been raised together as master and slave, and the slave had great hopes and expectations of his young master. The young master, after finishing at a training school, went away to college and finally returned as a young minister to his home and was to preach his first sermon at the little church in his native village. He desired a candid judgment upon his sermon and requested his slave to listen carefully to it and tell him what he thought of it. After the service had ended and the young minister had received the congratulations of partial friends upon his effort, he asked his servant 'Rastus what he thought of it. "Well, Marster," said the negro, "It was purty good, but it 'twant nigh what I thought you was a'gwine to do, but you must feel mighty good since you have got all that trash off your stomach."

The Senator from Brown had notified the public of his intended speech and many persons have been waiting here for hours in anticipation of hearing his remarks. I, with the public, had expected something new and enlightening on this question, but I must confess I am disappointed. He has not brought forward a single additional fact or the name of any witness who was not before the Senate Committee of the Whole, and hence he has utterly failed to bring to the attention of the Senate any matter which has not been fully, fairly and impartially investigated.

The Senator from Brown has artfully and ingeniously woven into a chain the meager and slender evidence which has already been published, to assist in sustaining his position, but it falls flat when dissected. I admire the courage

of the Senator, but I must confess I condemn his conclusions. No sane mind can take the evidence which has been adduced and reach the conclusion contended for by the Senator from Brown. There are thirty-one members of this body, and after a full, fair and complete investigation, thirty of them voted for a resolution stating that there had been no fraud or unfairness in the drawing for terms, and this places the Senator from Brown as the only dissenting member. He stands alone—"grand, gloomy and peculiar"—the only Senator of that belief in the entire membership of this body.

I had not intended to say anything in reply to the Senator from Brown until he saw fit to criticise me as to the manner and time of the introduction of the resolution, which brought about the investigation and its verdict of exoneration of the officers of the Senate. I think the time at which I introduced this resolution was most proper. Rumors were rife that a fraud had been perpetrated by the officers of the Senate in the drawing for terms. I heard it on the streets, in the hotels and in various parts of the city. Items under an Austin date line had appeared in several daily papers referring to the rumor and caucuses had been held for more than ten days by some of the Senators who had drawn short terms to consider the matter. The evening before my resolution, demanding an immediate investigation, was presented, a resolution signed by eleven Senators charging grave suspicion of fraud, had been handed to each of the Senators who drew long terms. On the morning on which I introduced my resolution, there appeared in the Austin Statesman a statement that one of the Senators would introduce into the Senate a copy of the resolution which had been signed by the eleven Senators and which resolution demanded an investigation. This resolution was signed by the Senator from Brown. I waited until after the morning call in order to give the Senator, who had been designated, an opportunity to present his resolution. He did not do so and feeling that the matter should be no longer delayed, I introduced my resolution under which the investigation was had. I urged the immediate adoption of the resolution in order that if any one should be found guilty, speedy punishment should be meted out to such, and if not guilty that the tongue of gossip should be silenced. The investigation was had in open session; every rumor was traced to its source; hearsay evidence to the third degree was admitted, and every Senator present was given an opportunity to examine witnesses and

produce testimony; every fact however small was brought out to throw light if possible upon the manner of the drawing and nothing was left undone to get at the truth of the charges.

Upon the evidence adduced the verdict of the Committee of the Whole was made up and that verdict was that there had been no fraud or unfairness shown in the drawing. That verdict was returned to the Senate and it has the affirmative vote of every member of this body except the Senator from Brown. The Senator from Brown is a member of this body and it is not only his right but his duty to present any matter within his own knowledge or the names of those who are in possession of any fact which would show fraud in this drawing. I challenge him now to give the name of any witness or witnesses or to state any rumor which this Senate can trace which will put it in possession of evidence to show that fraud or unfairness has been practiced. He has had this opportunity in the past, he has it now, and if he does not avail himself of it, I shall conclude that he has made his speech to the people of Texas for political purposes. I resent the charge made by the Senator from Brown that this Senate is an Augean stable which needs cleaning out. I believe this body to be composed of honorable gentlemen, men of integrity and firmness and the verdict of thirty of these Senators out of thirty-one that no unfairness has been shown in the drawing is a sufficient answer to the speech of the Senator from Brown. The Senate is ready to act upon any charge he may make and if he does not make any, I shall conclude that he has nothing more upon which to base the serious insinuations which he has made in his speech than the evidence that has already been heard. I submit to all fair minded, unbiased citizens of this State that such evidence is entirely insufficient to sustain his charges.

Senator Harbison moved that the speeches of Senators Grinnan and Hicks be published in the Journal, and

Senator Savage amended the motion by adding that one thousand extra copies of the Journal containing said speeches be printed.

ADJOURNMENT.

On motion of Senator Mills, the Senate, at 1:10 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

On page 298 of the Journal of Friday, February 13th, the following should have appeared:

At the conclusion of this passage at arms, Senator Perkins arose. He said that he believed the people among whom he had spent his life, and who had honored him with a position of greater responsibility perhaps than that which he now fills, would bear him out in saying that he had never shirked a responsibility. "I do not believe, however, that any good can be accomplished by prosecuting this inquiry further," he continued. "After a personal explanation on my part, I shall be willing for this incident to close. I learn from the newspapers and from the report of the committee that all of the Senators present who signed the substitute resolution offered by Senator Douglass were satisfied to close the investigation. I take it that they were fully informed; that had I been present the evidence probably would have produced the same effect upon my mind that it did upon theirs, and that I should have voted as they did. I am in possession of no evidence relating to the matter and know of no reason why the investigation should be reopened."

Senator Perkins read the following:

To say I was amazed and chagrined upon reading in the daily papers the report of the evidence taken in the investigation of the "term drawing" imbroglio, is putting it but mildly, indeed; not that the result was distasteful or disappointing to me, for it was what I had hoped for and desired, but it is wholly because of the false and grossly unjust light in which I and my connection with the matter are made to appear. I do not attribute to the Senators, whose statements and the necessary inferences arising from them do me this wrong, any improper motive or intention to misrepresent me, but adopt the more charitable conclusion that the wrong done me is due to their want of appreciation, at the time, of the inferences their statements, unattended by amplification or explanation, carried with them.

I shall content myself with the general carefully prepared statement which follows:

I was not the author of what is designated as the "Douglass Substitute, alias the Remarkable Document," further than this: At a conference of a number of those who subsequently became signers of said document after two of those present, neither of whom was myself, had read separate papers in the nature of resolutions, neither of which proved satisfactory to the conference ~~or even to~~ their authors, followed by a **general discussion** and interchange of opinion and final conclusion as to the substance of the complaints to be made, I was requested and selected by unanimous vote of the confer-

ence to draft the same in proper form. I consented to do so to the extent of writing a general form of complaint without specifications of charges, these latter to be supplied afterwards by others who might know something of the particular facts, as I know nothing of any such facts. I thereupon wrote hurriedly on scratch paper with pencil at the table around which we were sitting and read to the conference, which did not disperse during the few minutes. I was thus engaged, so much of the document as will be found embraced within the pencil marks on the clipping herewith, submitted what I had written was at once approved and adopted by the conference, and a committee composed of Senators Morris and Henderson or Mills and Morris was appointed to have the same typewritten. Each single paragraph of same to be written at the top of a separate sheet of paper and copies of these sheets to be furnished to members of the conference, with the request that each should write before the next meeting such specific charges as he might find evidence to sustain. At subsequent meetings, Senators Morris, Savage and Henderson and Mills repeated the matter, each a separate part of the same which appears in the document as offered by Senator Douglass. I neither reported nor formulated any part of same (except as embraced in pencil marks as before stated) until at one of the last meetings it was decided to change the form substance of the resolution following the complaint and after the character and substance of the resolution had been agreed upon, I wrote, at the request of the conference, the resolution in its present form.

I said nothing more of the document until at a later meeting it was presented by the Senators who had been charged with its preparation in proper typewritten form and after being read and carefully gone over more than once, all the members of the conference hearing the reading and engaging in a free and full interchange of opinion respecting its merits, and especially the point as to whether it, in any of its terms or parts, reflected upon the Senate or any Senator, and all expressing the opinion it did not, it was unanimously approved and adopted. All the members of the conference present agreeing to sign it and instructing the chairman, Senator Douglass, to present it after it had been signed, and before doing so, a copy was to be presented to each member of the Senate, with the request that they join us in fixing and presenting same. This, I think, was the last conference held, and I think all those whose names appear as signers were present except Senator Harper.

Senator Lipscomb, whose name does not appear, was present. If I made the statement to Senator Harbison, which he attributes to me in his statement to the effect "the paper did not reflect upon any Senator," which I do not question I made, it was doubtless made at this meeting during the discussion of the matter.

The statement of Senator Harbison above referred to justifies the inference that I was soliciting signatures to the documents. I deny this, and say I was never present when any Senator signed it, and did not see it until the following morning after said last mentioned conference, when it was presented to me as I was about to enter the Senate chamber by Senator Morris. It then had appended to it all the signatures it now has, except my own. After I had signed it, I asked Senator Morris why Senator Lipscomb's name was not signed. He said Lipscomb had signed it the evening before, but had since withdrawn it. I went to Lipscomb shortly afterward, and he said he had signed it, but afterward talked to Lieutenant Governor Neal about it; that Governor Neal was much hurt about it and thought it reflected seriously upon him and the Senate, and he had then withdrawn his signature. I told him that being the view taken of it, I would withdraw mine also. I went at once to Senator Morris, told him what Lipscomb had said and asked to have my name erased. He said, "Don't do it now." He did not believe Neal understood it; that he would see him at once and show him a copy of the resolution, and if Neal then felt as he had expressed himself to Lipscomb he would join me in withdrawing from it; spoke of his friendship for Neal; was Senator from Neal's district, etc.

Senator Morris saw me soon after; said he had shown Governor Neal the resolution. Neal said it was not such a resolution as he had understood it was; saw no objection to it and agreed with him (Morris) that it in no way reflected upon him or any Senator, etc. With the understanding, then, that no action would be taken during my absence, I said no more about withdrawing my name, and soon after left for home, intending to leave the question of whether my name should remain on the paper or not to be determined after my return.

I do not know who originated the movement. The first I knew of it I was invited into a committee room to confer with some Senators on the subject. I told them I had no complaint to make. I had gotten all I wanted. I did not want a long term; would not likely have served it out had I drawn it, and did not like the idea of resigning, and that I

knew nothing of any fraud or unfairness. Senator Douglass said he, too, did not want a long term; had informed his constituents after they nominated him he could not serve more than two years. It was replied it was not a question of whether we wanted long terms or not; if there had been fraud it was a crime against the State and an outrage upon the Senate, which it was our duty to expose and redress. To this view we all assented, and my subsequent action was prompted by this purpose alone, and as I pursued it in a conservative and temperate manner I have nothing to regret in what I really did, but only desire to be properly understood as to what part I really took in the matter.

I was in no sense a leader in the movement. I at no time took an active part in it, and do not remember that I ever attended a conference without having been sent for. This was partly because I was not feeling well during most of the time, but mainly because, knowing of no evidence of fraud, I was unwilling to go out and hunt it up, but if it was brought forward by others was willing to act with them in presenting it to the Senate.

TWENTY-THIRD DAY.

Senate Chamber,
Austin, Tex., Wednesday, Feb. 18, 1903.

Senate met pursuant to adjournment.

President Pro Tem. Davidson of DeWitt in the chair.

Roll call. Quorum present, the following Senators answering to their names:

Beaty.	Henderson.
Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Decker.	McKamy.
Douglass.	Mills.
Faubion.	Morris.
Faulk.	Paulus.
Faust.	Perkins.
Grinnan.	Savage.
Hale.	Sebastian.
Hanger.	Stafford.
Harbison.	Willacy.
Harper.	Wilson.

Absent.

Davidson of	Patteson.
Galveston.	

ROLL CALL OF OFFICERS AND EMPLOYEES.

Present.

Clyde D. Smith.
W. E. DeLamar.

R. M. Gilmore.
Amos Wynne.
W. M. Cobb.
Eldred McKinnon.
Mrs. Laura V. Grinnan.
F. P. Smith.
C. H. Allen.
D. F. Hughes.
Frank Mullins.
C. J. Kirk.
Rev. I. S. Davenport.
Miss May Fant Odom.
J. C. Son.
Miss Georgia Sturgiss.
Mrs. Hattie Yarbrough.
Mrs. Hope H. Hawkins.
Miss Emily Holcomb.
Mrs. J. R. Van Orden.
Miss Bessie Goldstein.
W. T. Pace.
W. A. Shaw, Jr.
Lucien Goss.
J. A. Chaffe.
Charlie Lane.
Willie Gibson.
Henry Paulus.
Everet Thornhill.
Walter Savage.
Jas. Sebastian.
Willie Gray.
Jamie Snipes.
Ed Underhill.
John Durst.
Will Bartley.
Reed Pierson.
Dan Edwards.
Josh Pyles.
Ellis Monroe.
Albert Hill.
Mark Marsh.

Absent.

Miss Lucy Lane.

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday,

On motion of Senator Decker, the same was dispensed with.

EXCUSED.

On motion of Senator Willacy, Senator Beaty was excused for non-attendance upon the Senate on yesterday.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, February 18, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has passed the following bill: